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## **OLR Bill Analysis**

### **sHB 6590**

#### ***AN ACT CONCERNING LICENSING OF TATTOO TECHNICIANS.***

##### **SUMMARY:**

This bill creates a new license category for tattoo artists (called “tattoo technician”) administered by the Department of Public Health (DPH). Starting July 1, 2014, the bill prohibits anyone from engaging in the practice of tattooing unless he or she is age 18 or older and obtains this license. The bill:

1. establishes licensure requirements and sets fees for initial licenses and renewals;
2. allows for licensure without examination in certain cases;
3. provides for temporary permits to practice;
4. requires DPH, in consultation with the Labor Department, to create a training program for new licensees to practice under the direct supervision of an experienced tattoo technician;
5. allows DPH to take certain enforcement actions against a licensee who fails to comply with the bill, DPH regulations, or accepted professional standards;
6. subjects tattoo establishments to inspection by DPH or its authorized agents;
7. requires DPH to adopt regulations to implement the licensure program; and
8. makes technical and conforming changes, including repealing a statute regarding tattooing by specified medical professionals.

The bill specifies that (1) the DPH commissioner must enforce the

bill only if appropriations are available and (2) no new regulatory board is established for tattoo technicians.

The bill's licensing requirement does not apply to (1) physicians; (2) advanced practice registered nurses working under a physician's direction; or (3) registered nurses or physician assistants working under a physician's supervision, control, or responsibility.

EFFECTIVE DATE: October 1, 2013, except for the repealer provision, which takes effect July 1, 2014.

## **TATTOO TECHNICIANS**

### ***Definition***

The bill defines "tattooing" as marking or coloring, in an indelible manner, the skin of any person by pricking in coloring matter or by producing scars.

### ***Licensure Requirements***

The bill requires an applicant for a tattoo technician license to provide DPH with satisfactory evidence that he or she (1) completed at least one DPH-approved education course, (2) passed at least one DPH-approved examination, and (3) successfully completed a first aid course.

The license application fee is \$250. Licenses must be renewed biennially for a fee of \$200. No license or temporary permit (see below) can be issued if the applicant is facing pending disciplinary action or is the subject of an unresolved complaint in Connecticut or another state. A person is prohibited from using the title "tattoo technician" or "tattoo artist" unless he or she has a Connecticut-issued tattoo technician license.

The bill requires the DPH commissioner, by January 1, 2014, to (1) approve at least one education course and examination concerning blood-borne pathogens and communicable diseases to ascertain applicants' credentials and (2) establish a training program, in consultation with the labor commissioner, for new licensees who have less than one year of experience to practice tattooing under the direct

supervision of “experienced tattoo technicians.” (The bill does not define this term.)

### ***Licensure Without Examination***

The bill allows the DPH commissioner to issue a license without examination to an applicant who is licensed as a tattoo technician or to perform similar services in another state or jurisdiction whose licensure requirements are substantially similar to or higher than Connecticut’s. The applicant must pay a \$100 fee. It is unclear whether this fee is in addition to the \$250 application fee.

### ***Temporary Permit***

The bill allows DPH to issue a temporary permit to:

1. an applicant for licensure without examination who is licensed or certified to practice tattooing in another state;
2. a person licensed or certified to practice tattooing in another state who is in Connecticut to attend an educational event or trade show, participate in a product demonstration, or temporarily practice tattooing in a specified location; and
3. an applicant previously licensed in Connecticut whose license is void.

Applicants must submit to DPH a completed application and a fee the commissioner determines. An applicant licensed or certified in another state must also submit a (1) copy of a current license or certification to practice tattooing from another state or jurisdiction and (2) notarized affidavit attesting that the license or certification is valid and belongs to him or her.

The temporary permit, which is not renewable, authorizes the holder to work as a tattoo technician for up to 120 calendar days with one exception. Temporary permits issued to people licensed or certified in another state who are in Connecticut for the educational and professional purposes specified above are valid for up to 14 consecutive days and can be issued once each year.

### ***Title Protection***

The bill prohibits anyone from:

1. buying, selling, or fraudulently obtaining or furnishing any diploma, certificate, license, record, or registration showing that a person is qualified or authorized to practice tattooing or participating in such actions;
2. practicing or attempting to offer to practice tattooing (a) under the cover of any of the above documents or (b) under a name other than his or her own;
3. aiding or abetting tattooing by a person not licensed in Connecticut or whose license is suspended or revoked;
4. advertising services under the description of tattooing or using the word “tattoo” or “tattooing” without a Connecticut-issued tattoo technician license;
5. practicing tattooing on an unemancipated minor under age 18 without permission of the minor’s parent or guardian; or
6. during a period of license suspension or revocation, (a) practicing or attempting, offering, or advertising to practice tattooing or (b) working for or assisting a licensed tattoo technician.

A person who violates this provision is guilty of a class D misdemeanor, which is punishable by a fine of up to \$250, imprisonment of up to 30 days, or both.

### ***Disciplinary Action***

The bill allows DPH to take disciplinary action against a licensed tattoo technician who (1) fails to conform to accepted professional standards, as determined by the DPH commissioner, or (2) violates the bill or subsequent DPH regulations.

By law, disciplinary actions available to DPH include license revocation or suspension; censure; a letter of reprimand; probation; or

a civil penalty. The department can also order a licensee to undergo a reasonable physical or mental examination if there is an investigation about his or her physical or mental capacity to practice safely (CGS § 19a-17).

The bill allows the DPH commissioner to petition the Superior Court for the Hartford judicial district to enforce any disciplinary action it takes. The department must notify the licensee of any contemplated disciplinary action and its cause, the hearing date on the action, and the opportunity for a hearing under the Uniform Administrative Procedure Act.

### ***Regulations***

The bill requires the DPH commissioner to adopt implementing regulations, which must include:

1. standards for cleaning and sterilizing equipment;
2. standards for the preparation and care of the tattoo site;
3. requirements for permitting, registration, or certification by local health departments or districts to operate tattoo establishments;
4. standards for cleaning and maintaining tattoo establishments;
5. requirements concerning protocols to prevent infection for tattoo technicians to follow and a requirement that a written copy of the protocols be kept at tattoo establishments.

### **COMMITTEE ACTION**

Public Health Committee

Joint Favorable Substitute

Yea 28 Nay 0 (04/05/2013)